



JOINT MEETING OF THE MILPITAS CITY COUNCIL & HOUSING AUTHORITY

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

AGENDA

TUESDAY, SEPTEMBER 17, 2019
CITY COUNCIL CHAMBERS, 455 E. CALAVERAS BLVD., MILPITAS, CA
5:30 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

CALL JOINT MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2) – City as Defendant

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)
County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District,
Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara
Santa Clara County Superior Court Case No. 18CV325480

(c) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)
Jain v. City of Milpitas, Santa Clara County Superior Court Case No. 18CV325365

(d) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
City Negotiator: Human Resources Director Liz Brown
Employee Groups: Milpitas Employees Association
Under Negotiation: Wages, Hours, Benefits and Working Conditions

CLOSED SESSION ANNOUNCEMENT: Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present

PLEDGE OF ALLEGIANCE

INVOCATION

PUBLIC FORUM

Those in the audience are invited to address City Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit spoken remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENTS

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

APPROVAL OF AGENDA

CONSENT CALENDAR

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

- C1. Receive City Council calendars for the months of September and October 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**
- C2. Approve City Council Meeting Minutes of August 30, 2019 and September 3, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: approve meeting minutes for the August 30, 2019 Special City Council meeting and the September 3, 2019 Regular City Council meeting.

- C3. Approve Findings of Exception to the Requirements of the Affordable Housing Ordinance to allow payment of fees in lieu of reserving six affordable units on the project site to be included in the previously adopted Resolution approving Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment to develop a 40-unit residential condominium building, up to 49 feet in height (4 stories) on a 1.22 acre site at 2001 Tarob Court (Staff Contact: Ned Thomas, 408-586-3073)**

Recommendation: Approve Findings of Exception to the requirements of the Affordable Housing Ordinance to allow payment of fees in lieu of reserving six affordable units on the project site to be included in the previously adopted Resolution approving Site Development Permit (SD18-0014), Conditional Use Permit (UP19-0009), Vesting Tentative Map (MT18-0004), and Environmental Assessment (EA19-0002) to allow development of a 40-unit residential condominium building, up to 49 feet in height (4 stories), with parking for up to 74 vehicles, on a 1.22-acre site at 2001 Tarob Court.

- C4. Adopt a Resolution to Approve Project Plans and Specifications, and Award a Construction Contract to CRW Industries, Inc. for the Alviso Adobe Renovation (Phase V - Interior Restoration), Project No. 5055 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt a Resolution to approve project plans and specifications for the Alviso Adobe Renovation (Phase V – Interior Restoration), Project No. 5055, to award a construction contract to and authorize the Interim City Manager to execute the contract with the lowest responsible bidder submitting a responsive bid, CRW Industries, Inc., in the amount of \$523,900, and to authorize the

Engineering Director/City Engineer to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$160,000 for the project.

- C5. Adopt a Resolution Approving Project Plans and Specifications, Awarding Construction Contract for Transit Area Specific Plan (TASP) On-Street Parking Program Project 2017, and Authorizing the Interim City Manager to Execute the Contract with Chrisp Company (Staff Contact: Steve Chan, 408-586-3324)**

Recommendation: Adopt a resolution approving project Plans & Specifications, awarding a construction contract, and authorizing the Interim City Manager to execute the contract with the lowest responsible bidder submitting a responsive bid, Chrisp Company, in the amount of \$116,130 for TASP On-Street Parking Program Project No. 2017, and authorizing the Engineering Director/City Engineer to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$17,420 for the project.

- C6. Approve a Maintenance Service Agreement with Technology, Engineering & Construction, Inc. doing business as TEC Accutite for Aboveground and Underground Storage Tank Maintenance and Certification Services for a Total Amount Not to Exceed \$245,250 (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendation: Approve a five-year agreement with TEC Accutite for Aboveground and Underground Storage Tank Maintenance and Certification Services, for an amount of \$49,050 in the first year and a total amount not to exceed \$245,250 over the five-year period, subject to annual appropriation of funds.

- C7. Approve and Authorize the Interim City Manager to Execute an Improvement Agreement for a Commercial Development at 521 Alder Drive (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Approve and authorize the Interim City Manager to execute the Improvement Agreement between the City of Milpitas and LD Milpitas Property, LLC, subject to any revisions deemed legally necessary by the City Attorney.

- C8. Approve and authorize the City Manager to execute three Professional Service Agreements with West Yost Associates, Hydrosience Engineers, Inc. and Schaaf & Wheeler, Consulting Civil Engineers for Consultant Engineering Services for the Preparation of the City's Water, Sewer, and Stormwater Master Plans (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendation: Approve and authorize the City Manager to execute three Professional Service Agreements with the following consultants for engineering services:

- 1) West Yost Associates for the preparation of the City's Water Master Plan in an amount not to exceed \$600,000.
- 2) Hydrosience Engineers, Inc. for the preparation of the City's Sewer Master Plan in an amount not to exceed \$642,000.
- 3) Schaaf & Wheeler, Consulting Civil Engineers for the preparation of the City's Stormwater Master Plan in an amount not to exceed \$134,629.

- C9. Consider Mayor's Recommendations for Removal of One Commissioner and Appointment of Milpitas Chamber of Commerce Representative to the City of Milpitas Economic Development and Trade Commission (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Receive Mayor Tran's recommendations, and move to remove Commissioner Dhaval Brahmbhatt from his current term as the Commissioner representing Technology on the Economic Development and Trade Commission; and, newly appoint Inderjit Mundra as voting

Commissioner representing the Chamber of Commerce to a term that expires in April 2021. Also, confirm Tina Broyles as Alternate from the Milpitas Chamber of Commerce, per Chamber Board action.

C10. Consider Request from American Cancer Society to Waive Park Rental and Special Event Permit Fees for the “Bark for Life” Walk Fundraiser at Murphy Park on October 5, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Consider a request of one application submitted according to the City Council's Fee Waiver & Donation Policy and move to waive \$1,412.63 (and up to \$1,500 maximum if additional City fees are incurred) of identified City Planning and Recreation and Community Services fees charged for costs related to the American Cancer Society's Bark for Life walkathon event at Murphy Park on October 5, 2019.

PUBLIC HEARINGS

11. Re-open the Public Hearing continued from September 3, 2019 and Adopt a Resolution for the Summary Vacation of an Existing Public Service and Utility Easement at 1646 Centre Pointe Drive (Staff Contact: Steve Erickson, 408-586-3001)

Recommendations:

1. Re-open the public hearing continued from September 3, 2019, hear comments and move to close.
2. Adopt a resolution for the summary vacation of an existing Public Service and Utility Easement at 1646 Centre Pointe Drive.

12. Re-open the Public Hearing continued from September 3, 2019 and Consider the Approval of the Draft FY 2018-2019 Community Development Block Grant (CDBG)'s Consolidated Annual Performance Evaluation Report (CAPER) (Staff Contact: Sharon Goei, 408-586-3260)

Recommendations:

1. Re-open the public hearing continued from September 3, 2019, hear testimony, then move to close the public hearing.
2. Approve the draft FY 2018-2019 Community Development Block Grant (CDBG)'s Consolidated Annual Performance Evaluation Report (CAPER).
3. Authorize the City Manager, or designee, to make any necessary changes and to submit the approved draft FY 2018-2019 CAPER to the Department of Housing and Urban Development (HUD) to comply with CDBG requirements.

13. Conduct a Public Hearing and Consider introducing Ordinance No. 302 relating to a Rent Review Program and Tenant Protections, Approve Related Budget Amendment, and prepare and execute a Professional Services Agreement with Project Sentinel (Staff Contact: Sharon Goei, 408-586-3260)

Recommendations:

1. Open the public hearing; hear testimony, then move to close the public hearing.
2. Following the City Attorney's reading of the title, move to waive the first reading beyond the title and introduce Ordinance No. 302 to add Chapters 2 and 3 to Title XII of the Milpitas Municipal Code relating to the adoption of a rent review program and tenant protections.
3. Approve a Budget Amendment to appropriate funds from the Affordable Housing Fund to the FY 2019-20 Housing Operating Budget for Project Sentinel to manage the Rent Review program.
4. Authorize the City Manager to prepare and execute a Professional Services Agreement with Project Sentinel ending December 31, 2021 to manage the Milpitas Rent Review Program.

COMMUNITY DEVELOPMENT

- 14. Adopt a Resolution Authorizing Creation of a Pilot Rent Relief Program, Approve Related Budget Amendment, and Prepare and Execute a Professional Services Agreement with Silicon Valley Independent Living Center (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendations:

1. Adopt a Resolution authorizing the creation of a Pilot Rent Relief Program.
2. Approve a Budget Amendment to appropriate \$100,000 from the Affordable Housing Fund to the FY 2019-20 Housing Operating Budget for Silicon Valley Independent Living Center (SVILC) to implement the Pilot Rent Relief Program.
3. Authorize the City Manager to prepare and execute a one-year Professional Services Agreement with Silicon Valley Independent Living Center to manage the Milpitas Pilot Rent Relief Program.

- 15. HOUSING AUTHORITY: Consider Adoption of a Housing Authority Resolution Approving and Adopting Bylaws of the City of Milpitas Housing Authority, and Consider Election of Officers for the City of Milpitas Housing Authority (Contacts: Councilmembers Nuñez and Montano, 408-586-3000)**

Recommendations:

1. Adopt a Housing Authority Resolution approving and adopting the Bylaws for the City of Milpitas Housing Authority.
2. Following adoption of the Bylaws, elect a Chairperson, Vice Chairperson and Secretary of the Housing Authority by a vote of the Housing Authority Board of Commissioners.

PUBLIC SAFETY

- 16. Receive Presentation of Unmanned Aircraft System (UAS) Technology and Provide the Milpitas Police Department Staff with Feedback on Policy and the Program (Staff Contact: Jared Hernandez, 408-586-2406)**

Recommendation: Receive the presentation of Unmanned Aircraft System (UAS) Technology and provide the Milpitas Police Department staff feedback on program policy and program.

LEADERSHIP AND SUPPORT SERVICES

- 17. Designate Councilmembers as Delegate and Alternates to 2019 League of California Cities Annual Conference (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendations:

- 1) Among those City Councilmembers registered and planning to be in attendance in Long Beach, move to designate one member to serve as the voting delegate at the League of California Cities Annual Conference.
- 2) Among those City Councilmembers registered and planning to be in attendance in Long Beach, move to designate one or 2 members to serve as the alternate voting delegate(s).

- 18. Adopt a Resolution authorizing an exception to the 180-day wait period in accordance with the California Government Code Section 7522.56 and 21224; and, approve and authorize the City Manager to execute an employment agreement with Valerian Catunao as Part-Time Hazardous Materials Inspector (Staff Contact: Liz Brown, 408-586-3086)**

Recommendation: Adopt a Resolution authorizing an exception to the 180-day wait period in accordance with the California Government Code Section 7522.56 and 21224; and, approve and

authorize the City Manager to execute an employment agreement with Valerian Catunao as Part-Time Hazardous Materials Inspector.

19. **Approve Updated City of Milpitas Facility Use Manual (Staff Contacts: Renee Lorentzen, 408-586-3409 and Christopher Diaz, 408-586-3040)**

Recommendation: Approve the updated City of Milpitas Facility Use Manual.

20. **Provide Direction to Staff on draft Council Policies for Training and Events (Staff Contacts: Christopher Diaz, 408-586-3040 and Ashwini Kantak, 408-586-3053)**

Recommendation: Provide direction to staff on draft Council policies for training and events.

REPORTS OF MAYOR & COUNCILMEMBERS - from the assigned Commissions, Committees and Agencies

21. **Receive Agenda Item Request Form from Councilmembers Nuñez and Phan (Contact: Councilmember Nuñez, 408-586-3023)**

Recommendation: Hear request from Councilmembers Nuñez and Phan submitted on Agenda Item Request Form to "Review and develop policy for the use of social media by the Mayor and City Councilmembers. Social Media to mean applications that enable users to create and share content or to participate in social networking with City information."

22. **Receive Agenda Item Request Form from Councilmembers Nuñez and Phan (Contact: Councilmember Nuñez, 408-586-3023)**

Recommendation: Hear request from Councilmembers Nunez and Phan submitted on Council Agenda Item Request Form to "Review and codify the policies for the development, identification and dissemination for Milpitas proclamations and recognitions."

23. **Receive Agenda Item Request Form from Councilmember Nuñez and Phan (Contact: Councilmember Nuñez, 408-586-3023)**

Recommendation: Hear request from Councilmembers Nuñez and Phan submitted on Council Agenda Item Request Form which states "Renaming of Dixon Landing Road to Barack Obama Blvd. will be the first Barack Obama Blvd. in Silicon Valley. This roadway leads into the Sunnyhills Community known as one of America's first integrated communities."

24. **Receive Agenda Item Request Form from Councilmembers Nuñez and Phan (Contact: Councilmember Nuñez, 408-586-3023)**

Recommendation: Hear request from Councilmembers Nuñez and Phan submitted on Council Agenda Item Request Form to "Request a study of a museum and park on Main St. in partnership with a community non-profit organization."

25. **Receive Agenda Item Request Form from Councilmembers Nuñez and Phan (Contact: Councilmember Nuñez, 408-586-3023)**

Recommendation: Hear request from Councilmembers Nuñez and Phan submitted on Council Agenda Item Request Form to "Request a study of building of a Community Theatre in the Civic Center Facility or a partnership with the Milpitas Unified School District on one of their properties. This would be included in the CIP."

NEXT AGENDA PREVIEW

26. Receive Preview List for the Next Regular City Council Meeting Scheduled for October 1, 2019
(Staff Contact: Mary Lavelle, 408-586-3001)

ADJOURN JOINT MEETING

NEXT REGULAR CITY COUNCIL MEETING **Tuesday, October 1, 2019**

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website. Council agendas + related materials can be viewed online @ www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.